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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,488	07/01/2003	Amncris C. Waters	22868.00	1709

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EXAMINER
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HOUSTON, ELIZABETH

ART UNIT	PAPER NUMBER
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3731

MAIL DATE	DELIVERY MODE
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12/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/609,488

Applicant(s)

WATERS ET AL.

Examiner

Elizabeth Houston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (USPN 1,910,750) in view of DeLaney (USPN 5,887,492).**

Clark teaches a pair of pivotally connected arms (1 and 2), each arm having a first end (right side Fig.1) and a second end (left side Fig.1); and a central portion between the first end and the second end, the arms being pivotally connected about midway between the first end and the second end (3), each arm having a thickness (Fig.2); and a jaw (6) formed in the second end of each arm, each jaw having a block shape (note that the term "block" does not impart a particular shape, but rather only requires a solid mass with one or more flat surfaces) and a thickness greater than the thickness of the arm (see Fig. 2); wherein the jaw has an upper projection with a planar face (for example 6), a lower projection with a planar face and a semi cylindrical recess defined between the upper and lower projection such that when the handles are drawn together, each jaw abuts together to form a cylindrical bore (col.2, line 5), the semi cylindrical recess having a plurality of teeth (8); wherein the jaws are adapted to (or capable of) extending around the hub.

Regarding the limitation that the jaws are integrally formed in the second end of the arm, it has been held that the term "integral" is sufficiently broad to include constructions united by means such as welding and fastening (as in the use of rivets). *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

Clark does not disclose that the handle has rings integrally formed in the first end of each arm or a ratchet extending from the arm. Rather Clark discloses a spring to assist in the opening of the jaws.

DeLaney discloses a pair of gripping pliers used for applying torque. The device has pivotally connected arms (5a and 5b) with a ring formed in the first end of each said arm (7a and 7b), the ring defining a handle; and a ratchet extending from each arm, toward each other, adjacent the ring handle (6a and 6b) each ratchet having a plurality of teeth (see figs. 4, 5 and 6). DeLaney further teaches that prior-art is lacking in its ability to clamp, hold and torque (col.1 line 57). DeLaney's invention utilizes finger grips and serrated locking extensions to solve this problem in the art.

At the time of the invention it would have been obvious to one in the art to substitute the ratchet and ring handles as taught by DeLaney for the spring mechanism taught by Clark. The rings remove the need for the user to have to apply force to keep the bias-opened jaws closed while simultaneously applying torque. Further, by allowing the user to manually open and close the pliers, the user gains better control over the device. Finally, the ratchet allows the user to maintain a secure grip while applying a torque, thus avoiding the possibility of the pliers slipping. It would have been obvious to substitute one known element (spring mechanism) for another (rings and ratchet) since

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it would have yielded predictable results to one of ordinary skill in the art. Additionally, the motivation for this incorporation is provided explicitly by DeLaney who teaches that finger grips and serrated locking clips are an enhanced way of clamping, holding and torquing. The inventions are analogous since they are both directed to a device for gripping and torquing a cylindrical object.

Regarding claims 3 and 4, Clark in view of DeLaney meet the claim limitations as described above, but fail to teach the dimensions of the thickness of the jaw as recited in claim 3 and the dimensions of the cylindrical bore as in claim 4. However, DeLaney does contemplate that a plurality of sizes of pliers may be provided to provide the user with a range of selectable tools for different applications (Col 5, line 53-55).

It would have been obvious to one having ordinary skill in the art at the time of the invention to change the size of the gripping jaws. DeLaney provides explicit motivation for changing the size of the tools. Further, it is well known in the art that light bulbs come in a variety of sizes, so it would follow that it would be an obvious modification to vary the dimensions of the jaws in order to accommodate various sizes of light bulbs. Such a modification that involves a mere change in the size of a component is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

### ***Response to Arguments***

1. Applicant's arguments filed 08/14/06 have been fully considered but they are not persuasive. Applicant's arguments have been addressed in the rejection above, which

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ha been modified to incorporate applicant's amendments and to better illustrate the combinability of the two references.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Houston whose telephone number is 571-272-7134. The examiner can normally be reached on M-F 9:00-5:00.

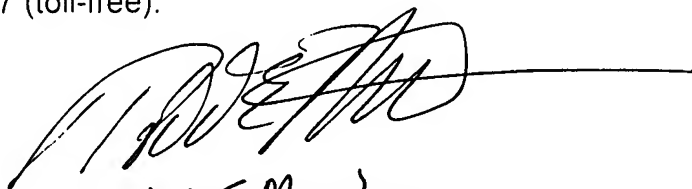
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

eh

11/29/07



Todd E. Manahan

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